

**MINUTES OF THE  
JOINT PUBLIC EDUCATION APPROPRIATIONS SUBCOMMITTEE MEETING**

**MONDAY, JANUARY 26, 2004**

**ROOM 129, STATE CAPITOL BUILDING**

Members Present: Sen. Howard Stephenson, Co-Chair  
Rep. Gordon Snow, Co-Chair  
Sen. James Evans  
Sen. Karen Hale  
Sen. Lyle Hillyard  
Sen. Bill Wright  
Rep. Doug Agard  
Rep. Judy Ann Buffmire  
Rep. LaVar Christensen  
Rep. David N. Cox  
Rep. Marda Dillree  
Rep. Glenn Donnelson  
Rep. John Dougall  
Rep. James Ferrin  
Rep. Karen Morgan

Members Absent: Rep. Duane Bourdeaux

Staff Present: R. Michael Kjar, Sr. Fiscal Analyst  
Ben Leishman, Legislative Analyst  
Katrina Yarrington, Secretary

Public Speakers Present: Patrick Ogden, Associate Superintendent, Utah State Office of  
Education (USOE)  
Steve Laing, State Superintendent, Utah State Office of Education  
Joan Patterson, Coordinator of Licensing, USOE  
Blaine Peterson, Director, Utah State Office of Rehabilitation  
John Adams, Co-Chair, Legislative Coalition for People with  
Disabilities (LCPD)  
Sandra M. Curcio, Independent Living Counsel, LCPD  
Mark Santini, Legislative Coalition for People with Disabilities  
Sue Boswell, citizen  
Von Jones, citizen  
Sachin Pavithran, citizen

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Co-Chair Sen. Stephenson called the meeting to order at 2:10 p.m.

**1. Approval of Minutes** - No minutes to approve, and no other committee business. Sen. Stephenson moved directly to third item on the agenda.

**2. Budget Recommendations** - Ben Leishman, Fiscal Analyst, spoke in detail about new information handed out in FY2005 budget books for the State Office of Education and State Office of Rehabilitation. All analyst budget recommendations are listed by title and section in handouts, and a brief summary is included below.

Most of discussion centered around questions from committee members about the \$1.8 million appropriation from 2003's S.B.154 regarding implementing the Pilot Program specified in the bill.

The Analyst recommends \$195,284,100 for the State Office of Education, including \$20,976,300 from the Uniform School Fund. Roughly \$168.5 million of the USOE appropriation is passed through to the school districts and other agencies. The USOE operating budget is roughly \$26.8 million.

The following bullets details the budget for each operating division within the State Office of Education:

- The Analyst recommends \$1,361,400 for the State Board of Education, including \$1,025,400 from the Uniform School Fund.
- The Analyst recommends a total budget of \$171,866,600 for Student Achievement, of which \$14,565,800 is from the Uniform School Fund. Student Achievement has the largest share of USOE pass through funds to school districts and other agencies, at \$152,732,000. This revenue largely consists of Federal Funds, leaving \$19,134,600 for the section operations.
- The Analyst recommends a total budget of \$12,115,700 for Data and Business Services, of which \$3,952,100 is from the Uniform School Fund. The Data and Business Services section passes through roughly \$8 million of its appropriation to the school districts and other agencies leaving approximately \$4 million for section operations.
- The Analyst recommends a total budget of \$9,940,400 for Law, Legislation and Educational Services, of which \$1,433,000 is from the Uniform School Fund. Similar to the other USOE sections, Law, Legislation and Educational Services passes through over \$7 million of its ongoing appropriation to the school districts and other agencies. This leaves approximately \$2.9 million for section operations.

- The Analyst recommends revenue of \$960,000, authorized capital outlay of \$22,100, 8 Full Time Equivalent (FTE) employees, and the rates shown below for the State Board of Education Internal Service Fund (ISF).
- The Analyst recommends revenue of \$3,887,000, authorized capital outlay of \$14,800, 49 Full Time Equivalent (FTE) employees, and the rates shown below for the State Board of Education Indirect Cost Pool (ISF).

Rep. Christensen asked for a more detailed itemization of the appropriation for the Pilot Program established by 2003's S.B. 154.

The following bullets details the budget for each operating division within the State Office of Rehabilitation:

- The Analyst recommends that the subcommittee discuss the impact of caseload size on the Vocational Rehabilitation Program. The Analyst suggests additional resources targeted specifically toward reducing the caseload size would be appropriate and any new revenue received should be restricted to additional counselors and case service costs. The minimum projected to address caseload size and case service costs would be roughly \$400,000. The subcommittee may wish to prioritize Vocational Rehabilitation caseload size with the other issues before the subcommittee.
- The Analyst recommends that the subcommittee include the increased needs of the Independent Living Centers in its budget prioritization discussions.
- The Analyst recommends that the subcommittee include Independent Living COLA adjustments in its budget prioritization discussion and direct the Legislative Fiscal Analyst to provide and Independent Living COLA increase similar to that received by state employees when final employee salary and benefit decisions are made.
- The Analyst recommends that the subcommittee prioritize the need for a Southern Region Deaf Specialist among the other needs before the subcommittee.
- The Analyst recommends \$1,407,400, including \$1,036,200 from the Uniform School Fund, for the Executive Director's Office.
- The Analyst recommends \$33,645,200 for Rehabilitation Services, including \$12,118,900 from the Uniform School Fund and \$254,900 from the General Fund.
- The Analyst recommends \$7,426,700 for Disability Determination Services. This

amount includes \$10,000 from the Uniform School Fund.

- The Analyst recommends \$1,788,200 for Services to the Deaf and Hard of Hearing. This amount includes \$1,597,600 from the Uniform School Fund.

- The Analyst recommends \$5,357,300 for Services to the Visually Impaired. This amount includes \$3,365,500 from the Uniform School Fund.

Steven Laing, State Superintendent, State Board of Education and Blaine Petersen, State Office of Rehabilitation, fielded questions from committee members concerning the issues detailed by Ben Leishman.

**3. Agency Comments** - Steven Laing, State Superintendent, State Board of Education requested that the State Board of Education be responsible for setting teacher licensing fees instead of the State; with Patrick Ogden, Associate Superintendent, State Office of Education assisting with questions.

There was extensive discussion amongst committee members about teacher licensing fee with Steven Laing and Patrick Ogden responding to questions.

Rep. Dillree asked that chairs and staff inquire of our legislative counsel, and to meet with administration or their counsel on this issue to clarify if they have that authority and ability and whether we want to give them that.

Sen. Evans asked a question of Mr. Laing about Federal monies given for the No Child Left Behind program and why it was returned to the U.S. Department of Education instead of being used for another purpose.

**MOTION:** Sen. Evans made a motion that USOE report to committee the reasons for any federal money that's been returned to the U.S. Treasury. Have report by Monday, February 2nd, 2004.

The motion passed unanimously with Sen. Wright and Rep. Bourdeaux absent for the vote.

Sen. Stephenson request line by line description of how \$1.8 million is being spent. Anytime within a week after meeting.

Rep. Christensen asked about a motion passed in an Interim committee about the status of S.B. 154 language that specifically allocated \$1.8 million for the Pilot Program for Competency based programs.

**MOTION:** Rep. Ferrin moved that committee recommend elimination of the mandate for the pilot program, for competency based education, and find other priorities to fund with the remaining unspent funds previously appropriated.

**SUBSTITUTE MOTION:** Sen. Hillyard moved that we ask our chairs and the minority party to have a representative to talk in their caucus about what we're talking about here and get a feel about how that would be received.

**MOTION:** Sen. Evans called the question on the motions on the table.

The motion passed unanimously with Sen. Wright and Rep. Bourdeaux absent for the vote.

The substitute motion failed with Rep. Donnelson, Rep. Ferrin, Rep. Dougall, Rep. Cox, Rep. Morgan, Rep. Buffmire, Rep. Dilree, Sen. Hale, Sen. Stephenson voting in opposition, and Sen. Wright and Rep. Bourdeaux absent for the vote.

Rep. Ferrin's motion passed with Sen. Hillyard and Rep. Christensen voting in opposition, and Sen. Wright and Rep. Bourdeaux absent for vote.

State Office of Rehabilitation - Blaine Petersen, Director of State Office of Rehabilitation, detailed the information showed in handout.

**4. Public Comment** - Linda Smith, Legislative Coalition for People with Disabilities, distributed handouts and then detailed information in handouts. Her presentation showed how important the programs the Office of Rehabilitation offer are to the public.

The following people assisted with testimonies:

John Adams, Co-Chair, Legislative Coalition for People with Disabilities (LCPD)

Sandra M. Curcio, Independent Living Counsel, LCPD

Mark Santini, Legislative Coalition for People with Disabilities

Sue Boswell, citizen

Von Jones, citizen

Sachin Pavithran, citizen

Patrick Lein, citizen

Zane Woolstenhulme, Business Administrator, South Summit School District

Linda Hartman, citizen

**5. Budget Recommendations** - Ben Leishman, Fiscal Analyst spoke briefly about analyst budget recommendations for Child Nutrition and Education Contracts.

The following bullets detail recommended amounts for each:

- The Analyst recommends \$107,875,200 for the Child Nutrition Programs, including \$139,800 from the Uniform School Fund.
- The Analyst recommends \$3,854,800 in Uniform School Funds for Education Contracts.
- The Analyst recommends the base budget funding of \$1,153,200 for the Youth Center.
- The Analyst recommends the base budget funding of \$2,701,600 for Corrections Institutions.

**6. Other Committee Business** - Rep. Dillree brought her request for addition to the calendar.

**7. Adjourn** - MOTION: Sen. Hale moved to adjourn the meeting at 5:00 p.m.

Minutes reported by Katrina Yarrington, Secretary.

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Sen. Howard Stephenson, Committee Co-Chair

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Rep. Gordon Snow, Committee Co-Chair